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7 Attorneys for Plaintiff and Counter-Defendant,
CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC.
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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 CONTINENTAL D.I.A. DIAMOND
12 PRODUCTS, INC., a California corporation,

13 Plaintiff,

14 vs.

15 DONG YOUNG DIAMOND INDUSTRIAL
16 CO., LTD., a South Korean company,
DONGSOO LEE, an individual, and DOES 1-
17 10, inclusive,

18 Defendants.
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20 AND RELATED COUNTERCLAIMS.
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Case No. CV 08-2136 SI

**STIPULATED REQUEST AND
[PROPOSED] ORDER CONTINUING
THE INTIAL CASE MANAGEMENT
CONFERENCE**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: None Set

STIPULATION

WHEREAS, on April 24, 2008, Plaintiff CONTINENTAL D.I.A. DIAMOND PRODUCTS, INC. ("Continental") filed suit for trademark infringement, unfair competition and related claims against, Defendant DONG YOUNG DIAMOND INDUSTRIAL CO., LTD. ("Dong Young"), and DONGSOO LEE ("Lee") (collectively "Defendants") (Docket No. 1);

WHEREAS, a Scheduling Order was filed by the Court on April 24, 2008 setting the Initial Case Management Conference for August 15, 2008 (Docket No. 2);

WHEREAS, on July 23, 2008 Continental filed a motion to dismiss the Counterclaim and a motion to strike the Answer filed by Defendant (Docket Nos. 22 and 23, respectively), which are scheduled for oral argument on August 29, 2008;

WHEREAS, lead trial counsel for Continental Diamond has a planned vacation that conflicts with the August 15, 2008 case management conference;

WHEREAS, lead trial counsel for Defendants will be required to travel cross-country for both the August 15, 2008 Initial Case Management Conference and the August 29, 2008 hearing on Continental's motion to dismiss and motion to strike;

WHEREAS, the parties agree that to avoid unnecessary travel time and costs for Defendant's counsel, to accommodate the vacation schedule of Plaintiff's counsel, and to conserve the time and resources of the Court, the Initial Case Management Conference should be continued from August 15, 2008 to August 29, 2008 and be held concurrently with the hearing on Plaintiff's motion to dismiss and motion to strike;

WHEREAS, this is the first extension sought in relation to the Initial Case Management Conference, this extension is not for the purpose of delay, and the parties believe that this extension of time will not affect any other dates that have been set by the Court.

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1 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
2 STIPULATE to this request that the Initial Case Management Conference be continued from
3 August 15, 2008 to August 29, 2008.

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5 Dated: July 25, 2008 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

6 /s/ Jeffrey M. Ratinoff
7 By: JEFFREY M. RATINOFF

8 Attorneys for Plaintiff and Counter-Defendant
9 Continental D.I.A. Diamond Products, Inc.

10 Dated: July 25, 2008 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

11 /s/ Alfred C. Frawley
12 By: ALFRED C. FRAWLEY

13 Attorneys for Defendants and Counterclaimants,
14 Dong Young Diamond Industrial Co., Ltd., and Dongsoo Lee

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

16 Dated: _____

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18 THE HONORABLE SUSAN ILLSTON
19 UNITED STATES DISTRICT COURT JUDGE